

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

FEDERAL DEPOSIT INSURANCE
CORPORATION,

Plaintiff,

CV 212-162

vs.

ERNEST P. CURRY, P&A
ENGINEERING, INC., and
CHRISTOPHER AMOS,

Defendants.

ORDER

Presently before the Court is Plaintiff's Motion for Partial Summary Judgment on Defendants P&A Engineering, Inc. and Christopher Amos's Amended and Supplemental Notice of Request for Apportionment ("Motion for Partial Summary Judgment"). Dkt. no. 51. Plaintiff, in its motion, asks the Court to grant summary judgment on Defendants Christopher Amos and P&A Engineering's Amended and Supplemental Notice of Request for Apportionment, Dkt. no. 45, and specifically requests that these Defendants' proposed nonparties be stricken from the Verdict Form in this case. Dkt. no. 51, p. 10. Plaintiff argues that

there are no genuine issues of material fact as to whether the proposed nonparties' actions had any effect on the amount of damages Plaintiff seeks from Defendants Amos and P&A Engineering.

Plaintiff's motion is **DENIED**. These Defendants, in their Opposition to Plaintiff's Motion, Dkt. no. 62, pointed to evidence in the record which could plausibly affect Defendants' liability to Plaintiff. Thus, apportionment may be appropriate under Ga. Code Ann. § 51-12-33(d).

In denying Plaintiff's Motion, the Court does not suggest that any of Defendants Amos and P&E Engineering's proposed nonparties (or any particular groupings thereof) will be presented to the jury for consideration of apportionment. The Court merely concludes that it would be inappropriate to grant Plaintiff's Motion for Partial Summary Judgment at this juncture.

SO ORDERED, this 27TH day of October, 2014.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA